

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14617 of Gertrude G. Levy, et al, pursuant to Sub-section 8207.2 (3108.1, DCMR 11) for a special exception under Paragraphs 3103.41 and 3101.48 (322.1 and 212.1, DCMR 11) to continue to use the subject premises as a parking lot in a C-2-A/R-3 District at premises 3053 M Street, N.W., (Square 1209, Lot 910).

HEARING DATE: June 24, 1987

DECISION DATE: June 24, 1987 (Bench Decision)

FINDINGS OF FACT:

1. The subject property is located on the north side of M, Street, between 30th and 31st Streets, N.W., and is known as premises 3053 M Street, N.W. It is split zoned R-3 and D/C-2-A.

2. The site is irregularly shaped with a frontage of sixteen feet along M Street, and a width of sixty-eight feet at the rear property line. The depth of the lot is approximately 300 feet from M Street.

3. The use of the property for parking purposes was first approved by Board of Zoning Adjustment Order No. 5105, dated August 4, 1958. The most recent Board approval for parking on the site was pursuant to Board of Zoning Adjustment Order No. 13510, dated October 15, 1981. Approval of the use expired on April 21, 1986. The subject application to continue the use as a parking lot was filed on April 8, 1987.

4. The rear portion of the lot contains forty-eight parking spaces and a center aisle. The only access to the parking area is via a two-lane driveway which runs from M Street for a depth of approximately 100 feet. The center aisle at the rear of the site is sometimes used for stacked parking for a total maximum capacity on the lot of approximately sixty vehicles.

5. The parking lot is screened from adjacent properties by brick walls, wooden fencing, trees, shrubbery and vines. A nine foot brick wall is located on the majority of the western lot line, the entire northern lot line, and a small portion of the eastern lot line. The remainder of the eastern lot line is separated from abutting property by a four foot wooden fence.

6. The lot is a commercial parking lot, operated by an attendant from 10:00 A.M. to 12:00 Midnight, Monday thru Thursday and from 10:00 A.M. to 3:00 A.M. on Friday and Saturday. The lot is open and unattended on Sundays to permit parking for parishioners of the nearby First Church of Christ Scientist.

7. The lot is contiguous to and located entirely within 200 feet of a D/C-2-A District.

8. The lot serves varied commercial uses located along M Street and Wisconsin Avenue, most of which do not provide off-street parking. The lot serves short-term parking needs. There are no discounts for all-day parking and the applicant does not offer weekly or monthly contracts.

9. The only structure on the premises is an attendant's shelter. The only signs on the lot are those required to display the rates.

10. The property is surrounded by the rear of a post office on the west, and the rear of properties that face on M and N Streets to the north and east. All of the houses on surrounding properties are well removed from the boundary of the subject parking lot.

11. The lot has been operated in compliance with the conditions imposed by Board of Zoning Adjustment Order 13510. There have been no complaints concerning the operation of the lot.

12. The lot serves to reduce congestion and competition for on-street parking in the area. There is no evidence to indicate that any dangerous or objectionable traffic conditions result from the operation of this lot.

13. Because of the irregular shape of the lot, its minimal street frontage and the landlocked nature of the residencially zoned portion of the property, it is not likely that the lot will be developed for residential purposes.

14. The District of Columbia Department of Public Works, by memorandum dated April 11, 1987, indicated that the lot was clean and in good condition and provided convenient short-term parking for the Georgetown section of the city. The Department of Public Works offered no objection to the continuation of the parking lot. The Board so finds.

15. Advisory Neighborhood Commission 2E, by letter dated May 14, 1987, indicated that it did not oppose the granting of the application for a period of no more than five years subject to the same conditions imposed by the prior order.

16. The record contains a letter dated June 24, 1987, from Councilmember John A. Wilson. Councilmember Wilson noted the constant and growing parking problem in Georgetown and suggested that preservation of commercial parking lots would prevent further parking encroachment in the residential areas of Georgetown.

17. There was no opposition to the application at the public hearing or of record.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a special exception. In order to be granted such an exception, the applicants must demonstrate that they have complied with the requirements of 11 DCMR 212.1 and 3108.1. The Board concludes that the applicants have so complied. The lot is reasonably necessary and convenient to the commercial uses on M Street. The lot results in no dangerous or objectionable traffic conditions. The lot is within 200 feet of a commercial district and complies with the applicable requirements of Chapter 23.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the zoning regulations and maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ORDERED that the application is GRANTED, subject to the following conditions:

- a. Approval shall be for a period of FIVE YEARS from the date of expiration of the previous Certificate of Occupancy, namely until April 21, 1991.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- d. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- e. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.

f. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

g. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 5-0 (Lindsley Williams, Paula L. Jewell, William F. McIntosh, Charles R. Norris and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: SEP 9 1987

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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